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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,732	12/05/2001	Jason A. Davidson	10559-547001	6111

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EXAMINER

DANG, THANH HA T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,732

Applicant(s)

DAVIDSON ET AL.

Examiner

Thanh-Ha Dang

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 and 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413).
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 and 21-26 are rejected in this Office Action.
2. Applicant cancelled Claims 11-20 and 27-30.
3. This Action is made Final.

Response to Amendment

4. Receipt of Applicant's Amendment, filed 9 August 2005, is acknowledged.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,584,459 issued to Chang et al. ("Chang").

As to **Claim 1**, Chang teaches "a method comprising:

- designating tags that specify data semantics to identify tables and/or attributes to be used in storing information in a text file using a relational

database model” (Figures 8, 9 and 11 illustrates the designating tags to be used in storing information in a text file using a relational database model);

- “creating a programming interface that enables access to the text file as a relational database, the programming interface including a procedure call format representing a declarative statement” (Figures 1-3 and 7, wherein block100 and block200 represent a programming interface, column 3, lines 48-60 and column 4, lines 5-10); and
- “storing the text file with the tags in a memory device” (Figure 3 wherein block500 illustrates storing the text file with the tags (e.g. XML Doc) in a file system representing a memory device, column 7, line 14 and lines 60-62).

As to **Claim 2**, Chang teaches “the tags comprise data domain generic tags” (Figures 8 and 9 illustrate the tags which comprise data domain generic tags).

As to **Claim 3**, Chang teaches “the tags comprise data domain specific tags” (Figure 11 illustrates the tags which comprises data domain specific tags).

As to **Claim 4**, Chang teaches “the procedure call format specifies a plurality of inputs of a character string type for a procedure” (column 21, lines 40-55 and column 23, lines 5-15).

As to **Claim 5**, Chang teaches “the inputs comprise a subset of the tags, and output data from the procedure does not include the tags” (column 21, lines 40-55 and column 23, lines 5-15).

As to **Claim 6**, Chang teaches “the procedure call format supports one or more relational database operations, which include a select operation, an update operation, an add operation, an insert operation, and a delete operation” (Figures 4, 7, and 13, column 6, lines 28-37; and column 23, lines 5-15 and lines 22-38).

As to **Claim 7**, Chang teaches “the represented declarative statement corresponds to a relational database query protocol standard” (column 6, lines 38-45 and column 21, lines 40-55).

As to **Claim 8**, Chang teaches “the text file comprises plain text in American Standard Code for Information Interchange format” (column 5, lines 15-49, wherein encoding UTF-8 format is equivalent to ASCII format).

As to **Claim 9**, Chang teaches “the plain text conforms to version 1.0 of Extensible Markup Language” (column 5, lines 15-49).

As to **Claim 10**, Chang teaches “the relational database query protocol standard is International Standard 9075:1992” (column 6, lines 38-41. The protocol standard is cited in specification as prior art example (p.5[0018]); see reference in U.S.Patent No.5,956,706 background section).

As to **Claim 21**, Chang teaches “a machine-readable medium embodying information indicative of instructions for causing one or more machines to perform operations comprising:

- making information stored in a memory device as a text file comprising tags specifying data semantics corresponding to a relational database

model available through a procedure call interface” (Figures 1-3, 7-9 and 11, column 3, lines 48-60; column 5, lines 14-49 and lines 55-67, column 6, lines 1-15 wherein illustrate a text file comprising tags specifying data semantics corresponding to a relational database model available through a procedure call interface (e.g. illustrating code in column 23, lines 25-39);

- “receiving from an application a relational database request using the procedure call interface” (Figures 1-3 and 7, column 7, lines 26-67 and column 8, lines 1-43);
- “accessing the memory device in response to the request” (column 23, lines 62-67 and column 24, lines 1-3 wherein the search query example implicitly denotes accessing the memory device in response to the request); and
- “returning data from the text file corresponding to the relational database request” (Figures 1-4 and 7, column 7, lines 55-56 wherein XML documents retrieval returns data from the text file corresponding to the relational database request).

As to **Claim 22**, Chang teaches “the procedure call interface comprises a high-level language procedure call having a procedure call format representing a declarative statement” (column 6, lines 41-45, column 21, lines 40-55 and column 23, lines 5-15).

As to **Claim 23**, Chang teaches “the procedure call interface supports one or more relational database operations, which include a select operation, an

update operation, an add operation, an insert operation, and a delete operation” (Figure 7, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to **Claim 24**, Chang teaches “the procedure call has a format corresponding to a relational database query protocol standard” (column 6, lines 38-45 and column 21, lines 40-55).

As to **Claim 25**, Chang teaches “the text file comprises plain text in American Standard Code for Information Interchange format, and wherein the plain text conforms to version 1.0 of Extensible Markup Language” (column 5, lines 15-49, wherein encoding UTF-8 format is equivalent to ASCII format).

As to **Claim 26**, Chang teaches “the relational database query protocol standard is International Standard 9075:1992” (column 6, lines 38-41. The protocol standard is cited in specification as prior art example (p.5[0018]); see reference in U.S.Patent No.5,956,706 background section).

Response to Arguments

6. Applicant's arguments filed August 9, 2005 have been fully considered but they are not persuasive. Examiner respectfully maintains the rejection cited for the following reasons:

- Applicant argues: Applicant states in page 7 that the XML file is not accessed as a relational database as recited in claim 1.

Examiner responds: Examiner is not persuaded. Applicant states in page 7 that the XML file is not accessed as a relational database as recited in claim 1, it is noted that the features upon which applicant relies (i.e., the XML file is not accessed as a relational database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner
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